CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

337. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention, in a form, obtained for this purpose under section 344, specifying the position of the building intended, to be erected, the description of building, the purpose for which it is intended, [1] * its dimensions [2] [and the name of the person whom he intends to employ to supervise its erection.]. Notice to be given to Commissioner of intention to erect a building.

[3] [(*2*) In this chapter 'to erect a building' means—

(*a*) newly to erect a building, or

(*b*) to re-erect

(*i*) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(*ii*) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(*c*) to convert into a dwelling-house any building not originally constructed for human habitation, or

(*d*) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this chapter 'a new building.']

[4] [**338.** (*1*)] At any time within thirty days after receipt of any notice under section 337, the Commissioner may, by written notice, require the person who has given the notice first hereinbefore in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely:— Commissioner may require plans and other documents to be furnished.

[5] [(*a*) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances [6] [and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation]

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[1] The word "and" was repealed by s. 44 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were added by *ibid.*

[3] This sub-section was substituted for the original sub-section (*2*) by s. 4 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[4] Section 338 was renumbered section 338 (*1*) by s. 45 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. 5 of 1905), Vol. IV of this Code.

[5] Clauses (*a*) and (*b*) were substituted by s. 45 (*2*), *ibid.*

[6] These words were inserted by s. 5 (*1*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

and, in the case of a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress Such plans and sections shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists and all girders and scantlings to be used in the walls, staircases, floors and roofs of such building ;

(*b*) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of the sanitary fittings to be used and also of the means of water-supply and shall, if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building ;]

(*c*) a block plan of such building, which shall be drawn to [1][the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be, situated] and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building and of any yard or ground belonging thereto [2] [and the means of access to such building] ;

(*d*) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains.

[3] [(*2*) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations, or any portion or portions of the foundations or walls of the existing building.]

Commissioner may require plans, etc., submitted under last preceding section, to be prepared by a licensed surveyor.

339. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Additional information and the attendance of the person who gave the notice may be required.

340. If the notice given under section 337 and the documents, if any, furnished under section 338 do not supply all the information which the

[1] These words were substituted for the words "a scale of not less than one inch to every forty feet" by s. 5 (*2*) *ibid.*

[2] These words were added by s. 45 (*3*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] Sub-section (*2*) was inserted by s. 45 (*4*) *ibid.*

Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition under section 338 or 340.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given.

Notices regarding Execution of Works not amounting to the Erection of a Building.

Notice to be given to the Commissioner of intention to make additions, etc., to a building.

342. Every person who shall intend—

(*a*) to make any addition to a building, or

(*b*) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the [1][plinth level], such half to be measured in superficial feet, or

(*c*) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, [2][or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level,] such half to be measured in superficial feet, or

[3][(*cc*) to make any alteration in a building involving—

(*i*) the sub-division of any room in such building so as to convert the same into two or more separate rooms.

(*ii*) the conversion of any passage or space in such building into a room or rooms, or]

(*d*) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street,

shall give to the Commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed, [4]* the nature and extent of the intended

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[1] These words were substituted for the words "ground level" by s. 6 (*1*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] These words were inserted by s. 6 (*2*) *ibid.*

[3] This clause was inserted by s. 5 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[4] The word "and" was repealed by s. 46 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

work, [1][the particular part or parts, if any, of such work which is or are intended to be used for human habitation] [2][and the name of the person whom he intends to employ to supervise its execution].

Plans and additional information may be called for.

343. (*1*) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections [3][of the building and] of the intended new work or of any specified portion of the intended new work, [4][and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable.]

[5][(*2*) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.]

Forms of Notices.

Printed form of notices to be supplied to the public.

344. (*1*) The Commissioner shall cause printed forms of notices for the purposes of section 337 or 342 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

(*2*) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, [6][344A] 345, 346, 347, 348, [7][349, 349A, 349B., [8][349C and 349D],] and of all by-laws made under clauses (*c*), (*d*) and (*e*) of section 461 at the time in force.

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[1] These words were inserted by s. 6 (*3*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916) Vol. V of this Code.

[2] These words were added by s. 46 of the City of Pombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] These words were inserted by s. 47 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[4] These words were substituted by *ibid.*

[5] Sub-section (*2*) of section 343 was substituted by s. 47 (*2*) *ibid.*

[6] These figures and letter were inserted by s. 48 (*a*) *ibid.*

[7] These figures and letters were substituted for the word and figures "and 349" by s. 48 (*b*) *ibid.*

[8] The expression "349C and 349D" was substituted for the expression "and 349C" by s. 11 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Commencement of work.

[1][**344A** (*1*) Every person who intends to erect a building, or execute any such work as is described in section 342, shall employ a person, who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work Supervision of buildings and works.

(*2*) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be,—

(*a*) approve the person named therein to supervise the building or work, or

(*b*) return the said notice for amendment if the person so named—

(*i*) is not a licensed surveyor, and

(*ii*) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(*3*) A notice of intention returned for amendment under sub-section (*2*) shall be deemed not to have been given until it has been re-submitted duly amended.

(*4*) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until—

(*a*) a licensed surveyor, whose name shall be forthwith reported to the Commissioner, or

(*b*) another person approved by the Commissioner,

has been so employed.]

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340, or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute; When building or work may be proceeded with.

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or

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[1] Section 344A was inserted by s. 49 by the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

346. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section description or further information, if any, called for under section 338, 340 or 343, as the case may be, by a written notice, intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribe terms subject to which the building or work may be deemed to be approved by him.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub section (*1*) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

When work may be commenced.

347. (*1*) No person shall commence to erect any building or to execute any such work as is described in section 342,—

(*a*) until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346 ;

[1] [(*aa*) until he has given notice to the municipal executive engineer of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given ;]

(*b*) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(*2*) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any

[1] Clause (*aa*) was inserted by s. 50 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

[1] [**347A.** No person shall, without the written permission of the Commissioner,— Building not to be converted to other purposes without the permission of the Commissioner.

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used.]

Provisions as to Structure, Materials, etc.

348. (*1*) With respect to buildings which are to be newly erected [2] * * * the following provisions shall have effect, namely :— Provisions as to buildings which are to be newly erected.

(*a*) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(*b*) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the standing committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation : Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within

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[1] This section was inserted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] The words " on any site previously unbuilt upon " were repealed by the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

(*c*) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(*d*) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

(*e*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereon shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary-line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

(*f*) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least [2] [ten] feet in height from the floor to the ceiling.

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[1] The original clause (*e*) was deleted by s. 51 (*b*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code, and the subsequent clauses of section 348 (*f*) renumbered accordingly.

[2] This word was substituted for the word "eight" by s. 51 (*c*) *ibid.*

(*g*) Every such room in the roof of any such building shall have an average height of at least [1][eight] feet from the floor to the ceiling [2][and a minimum height of not less than four feet].

(*h*) Every such room shall have a clear superficial area of not less than [3][one hundred] square feet.

(*j*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

(*k*) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(*i*) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging, and

(*ii*) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary; and

(*iii*) at such a level as will suffice for the means of drainage required by the Commissioner.

(*2*) Nothing in clause (*a*) shall be deemed to affect the power of Government to determine, under section 38 of the [4] Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

Bom. Act VI of 1879.

349. (*1*) No external wall and no covering of a roof built or renewed since the [5] Bombay Municipal Act, 1872, came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

Bom. Act III of 1872.

Roofs and external walls of buildings not to be of inflammable material.

[1] This word was substituted for the word "seven" by s. 51 (*d*) (*i*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act. 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 51 (*d*) (*ii*) *ibid.*

[3] These words were substituted for the word "eighty" by s. 51 (*e*) *ibid.*

[4] Vol. II of this Code.

[5] Bom. Act 3 of 1872 was repealed by s. 2 of this Act.

(*2*) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

Maximum height of buildings.

[1] **[349A.** (*1*) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front—

(*a*) in the case of a pitched roof, up to the tie-beam of the roof, and

(*b*) in the case of a flat roof, up to the surface of the roof.

(*2*) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(*3*) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (*1*).]

Height of buildings with reference to width of streets.

[1] **[349B.** Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

(*1*) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street ;

(*2*) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet ; and

(*3*) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street ;

(*4*) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets :

Proviso in case of set-back.

Provided that, if the face of the building is set back from the street at any height not exceeding the height specified in sub-section (*1*), sub-section (*2*) or sub-section (*3*), as the case may be, such building may be erected or raised to a height greater than that so specified, but not so that any portion of the

[1] Sections 349A and 349B were inserted by s. 52 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.]

[1] [**349C.** After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper storey. Frame-buildings.

Provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same.]

[2] [**349D.** Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the approval of the standing committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may prescribe.] Provision of sufficient means of egress.

Inspection.

350. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do. Inspection of buildings in course of erection, alteration, etc.

351. *(1)* If the erection of any building, or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall— Proceedings to be taken in respect of building or work commenced contrary to section 347.

(*a*) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down ; or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an

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[1] This section was inserted by s. 52 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 12 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner, with the approval of the standing committee, may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purpose of inspection.

352. (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or that anything required by any such provision or by-law to be done has been omitted to be done ;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained ;

the Commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, and that nothing required by any such provision or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the

time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

Completion certificates : permission to occupy or use.

[1] [**353A.** (*1*) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work :

Provided that—

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates—

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(*ii*) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the by-laws.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until—

(*a*) the permission referred to in proviso (*b*) to sub-section (*1*) has been received, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.]

[1] This section was inserted by s. 53 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

Dangerous Structures.

Removal of structures, etc., which are in ruins or likely to fall.

354. (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to, or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(*2*) The Commissioner may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

[1] *Works unlawfully carried on.*

Power of Commissioner to direct removal of person directing.

[1] [**354A.** Where the erection of a building or the execution of any such work as is described in section 342 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may after three days' notice direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer.]

CHAPTER XIII.

Licensing of Surveyors and Plumbers.

Grant of licenses to surveyors and plumbers.

355. (*1*) The Commissioner may grant to any person he thinks fit a license to act as a surveyor or as a plumber for the purposes of this Act. Each such license shall be for a renewable period of one year.

(*2*) If any applicant for a license to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the

[1] This heading and section 354A were inserted by s. 54 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.